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TO THE UNITED STATES PATENT AND TRADEMARK OFFICE

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EX 155 A21 # EQ 823113974

Lynn A. Buckner  
Signature

Applicant : Buckner, Lynn A.  
Application No. : 10/624,868  
Filed : 22 July 2003  
Title : Air over water Excavation

**Response to the 26 Jan. 2009 Notice of Non- Compliance**  
**Which is also a:**  
**Response to Examiners request for Election / Restriction requirements**

Assistant Commissioner for Patents  
Washington, D.C. 20231

LYNN A. BUCKNER  
Post Office Box 609  
Chickamauga, GA 30707

**Commissioner:**

This is an amended replacement of the previously filed Response to Examiners request for Election / Restriction requirements.

In response to the Examiners Election/Restriction requirement, Applicant elects claims 23-33 as amended without traverse. Claims 34-38 have been added.

In response to the Examiners Election of species requirement, Applicant elects Species I, Fig. 1. Applicant identifies claims 23-38 as being readable thereon.

In the Claims, please amend the above-identified application as follows: Claims 1-22 have been cancelled. Claims 23-33 are currently amended. Claims 34-38 are new.

Please amend claims 23- 33 as follows in the attachment below.

A clean copy is also attached.

It is believe that the claims are now in a condition of allowance.

Respectfully submitted,

Lynn A. Buckner  
Lynn A. Buckner  
423-413-7823